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Attorneys for Plaintiffs  
ILLUMINA, INC. AND ILLUMINA  
CAMBRIDGE LTD.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

ILLUMINA, INC.  
ILLUMINA CAMBRIDGE LTD.,

Plaintiffs,

v.

BGI GENOMICS CO., LTD.,  
BGI AMERICAS CORP.,  
MGI TECH CO., LTD.,  
MGI AMERICAS, INC., and  
COMPLETE GENOMICS INC.,

Defendants.

Case No. 3:19-cv-03770-WHO

**DECLARATION OF EDWARD R. REINES  
IN SUPPORT OF MOTION TO EXPEDITE  
THE SCHEDULE TO ALLOW FOR  
FOCUSED DISCOVERY**

Date: September 4, 2019  
Time: 2:00 pm  
Courtroom 2

The Honorable William H. Orrick

1 I, Edward R. Reines, declare:

2 I am an attorney with the law firm of Weil, Gotshal & Manges LLP, counsel of record for  
3 Illumina, Inc. (“Illumina”) in the above-captioned matter. I submit this declaration pursuant to Civil  
4 Local Rule 79-5(d)(1)(A) based on personal knowledge and following a reasonable investigation. If  
5 called upon as a witness, I could competently testify to the truth of each statement herein.

6 1. Attached as Exhibit 1 is a true and correct copy of an IPR decision from Case IPR2017-  
7 02172, filed April 20, 2018.

8 2. Attached as Exhibit 2 is a true and correct copy of IPR decision from Case IPR2017-  
9 02174, filed April 20, 2018.

10 3. Attached as Exhibit 3 is a true and correct copy of a Genomeweb article entitled “BGI  
11 Genomics Raises RMB 547M in IPO,” dated July 14, 2017.

12 4. Attached as Exhibit 4 is a true and correct copy of a Genomeweb article entitled “BGI’s  
13 MGI Tech Launches New Sequencing Platforms, Broadens Scope with Diagnostic Ultrasound System,”  
14 dated November 9, 2017.

15 5. Attached as Exhibit 5 is a true and correct copy of a Genomeweb article entitled “MGI  
16 Prepares to Sell Sequencers in North America, Europe; Announces Proprietary Sequencing Chemistry,”  
17 dated March 4, 2019.

18 6. Attached as Exhibit 6 is a true and correct copy of a Genomeweb article entitled “MGI  
19 Raises Over \$200M in Initial Financing Round,” dated May 13, 2019.

20 7. Attached as Exhibit 7 is a true and correct copy of a letter to Ms. Joanne M. Chiedi,  
21 Acting Inspector General, U.S. Department of Health and Human Services from Marco Rubio, U.S.  
22 Senator, and Chuck E. Grassley, Chairman, Committee on Finance, dated June 10, 2019.

23 8. Attached as Exhibit 8 is a true and correct copy of a job description at Complete  
24 Genomics Inc. for a Global Key Accounts Manager/Director (San Jose, CA), dated July 30, 2019.

25 9. Attached as Exhibit 9 is a true and correct copy of a job description at Complete  
26 Genomics Inc. for a Technical Sales Specialist (San Jose, CA), dated July 30, 2019.

27 10. Attached as Exhibit 10 is a true and correct copy of a job description at Complete  
28 Genomics Inc. for a Senior Sales Manager/Director (San Jose, CA), dated July 30, 2019.

1           11. Attached as Exhibit 11 is a true and correct copy of a job description at Complete  
2 Genomics Inc. for a Regional Manager, Field Service position (San Jose, CA), dated July 30, 2019.

3           12. Attached as Exhibit 12 is a true and correct copy of a declaration of Professor Floyd  
4 Romesberg with Annexes A-D, dated May 13, 2019. I understand that this declaration has been  
5 submitted in support of Illumina's patent litigation against BGI in Denmark that is co-pending.

6           13. Attached as Exhibit 13 is a true and correct copy of the interrogatories that are the subject  
7 of this motion.

8           14. Attached as Exhibit 14 is a true and correct copy of the document requests that are the  
9 subject of this motion.

10          15. Attached as Exhibit 15 is a true and correct copy of the deposition notice that is the  
11 subject of this motion.

12          16. On July 15, 2019, I asked counsel for defendants, Katie Scott, whether defendants would  
13 agree to the focused, expedited discovery sought by this motion. I explained that Illumina did not  
14 want to seek expedited relief unless necessary.

15          17. On July 16, 2019, Ms. Scott asked for the expedited discovery to be identified in writing  
16 before BGI could respond.

17          18. On July 18, 2019, I sent to Ms. Scott an email setting forth the kind of expedited  
18 discovery we were seeking.

19          19. On July 22, 2019, Ms. Scott refused to agree to the expedited discovery. The email  
20 thread showing this exchange is attached as Exhibit 16.

21          20. On July 23, 2019, I wrote Ms. Scott offering an alternative way to resolve this dispute.  
22 I asked whether BGI would assure Illumina that it would not commercialize its DNA sequencers In the  
23 United States before 2021 and that if it could do so that might avert the need for expedited discovery.  
24 The email thread showing this exchange is attached as Exhibit 16.

25          20. On July 24, 2019, I spoke to Jennifer Sklenar, who I understand to be lead counsel for  
26 BGI. I went back through our requests and disputes. Ms. Sklenar confirmed that BGI would not agree  
27 to expedited discovery and could not provide assurances as to when BGI would introduce its  
28 sequencers in the United States, as requested.

1  
2 I declare under the penalty of perjury under the laws of the United States of America that the  
3 foregoing is true and correct.  
4

5 Executed on July 31, 2019, at Redwood Shores, California.  
6

7 Date: July 31, 2019

Respectfully Submitted,

/s/ Edward R. Reines

Edward R. Reines (No. 135960)

Derek C. Walter (Bar No. 246322)

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